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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR 90-03 PHX RCB
)	
Vs.)	O R D E R
)	
DENARD-DARNELL: NEAL,)	
)	
Defendant.)	

Defendant Neal has recently filed four documents. The first document is entitled Motion to Vacate Void Judgment Pursuant to Rule 60(b)(4)(5) which he intends to file "ex parte." The court concludes that there is no basis for the matter being dealt with on an ex parte basis and will direct that the Clerk of the Court transmit this motion and supporting documents to the United States Attorney for his response.

Defendant has also filed Motion to Exclude United States Attorney Office from Presenting Argument Challenging Plaintiff Issue on Grounds U. S. Attorney Has Default to Plaintiff. This motion is not well taken and will be denied. The court will permit

1 the United States Attorney to respond to the pending motions.

2 Defendant next has filed a document entitled Plaintiff Motion
3 Requesting Status of the Pending Action Before The Court-Motion to
4 Vacate Void Judgment. The court will direct the clerk to transmit
5 this motion to the Office of the United States Attorney for
6 response.

7 Finally, Defendant has filed a motion entitled Motion to
8 Transport. Presently there appears to be no need for an
9 evidentiary hearing which might require the presence of the
10 Defendant before the court. This motion will be denied, without
11 prejudice, should the need for an evidentiary hearing become
12 apparent.

13 IT IS ORDERED directing the Clerk to transmit copies of all
14 four motions to the Office of the United States Attorney for
15 appropriate response. The time for response shall be calculated
16 based upon the date the clerk transmits these documents to the
17 Office of the United States Attorney.

18 IT IS FURTHER ORDERED denying Motion to Exclude United States
19 Attorneys Office from Presenting Argument Challenging Plaintiff
20 Issue on Grounds U. S. Attorney has Default to Plaintiff (doc.
21 #159).

22 IT IS FURTHER ORDERED denying Motion to Transport (doc. #163)
23 without prejudice.

24 DATED this 17th day of May, 2005.

25
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27 Robert C. Broomfield
28 Senior United States District Judge

1 Copies to counsel of record and Defendant Denard-Darnell: Neal, pro
2 se, 23843-008, P. O. Box 1033, Federal Correctional Complex,
3 Coleman, Florida 33521-1033
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